IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 30TH MARCH, 2007 / 9TH CHAITHRA, 1929

WP(C).No. 4349 of 2007(P)

PETITIONER:

A.M.ABOOTTY, S/O. C.M.ANNIKUTTY,
ALMONON, AZHEEYUR, VADAKARA, KOZHIKODE.

BY ADV. SRI.A.K.ABDUL AZEEZ

RESPONDENTS:

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1. THE SECRETARY,
AZHIYUR CO-OPERATIVE RURAL HOUSING SOCIETY LTD.,
CHOMBALA.

2. THE REGISTRAR,
CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM.

3. JOINT REGISTRAR,
CO-OPERATIVE SOCIETY, KOZHIKODE.

R2 & R3 BY SR.GOVT.PLEADER SRI.P.K.RAVIKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO.4349 OF 2007)

PETITIONER'S EXHIBIT:

Ext.P1: Copy of the notice dated 22.9.2006.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

WP(C) NO. 4349 OF 2007

Dated this the 30th day of March, 2007

J U D G M E N T

Although notice has been served on the first respondent, there is no appearance on behalf of the first respondent. This was the same position on 26.3.2007 onwards. However, in order to give them another chance to appear and contest, I posted it on 29.03.2007. On that date also, there is no appearance. Hence, the case is posted today.

2. The petitioner is a defaulter in repayment of loan amount taken from the first respondent-Bank. The Bank has initiated recovery proceedings. The petitioner now claims the benefit of one time settlement. In the above circumstances, the writ petition is disposed of in the following terms:-

If the petitioner files an application for one time settlement on or before tomorrow, the first respondent shall consider the same and pass appropriate orders

thereon within a period of one month from the date of receipt of a copy of this judgment. The recovery proceedings would be kept in abeyance on the following conditions:-

The petitioner shall pay an amount of Rs.60,000/- (rupees sixty thousand only) within one month from today. The balance amount due, as per the orders of the first respondent on the application for one time settlement, shall be paid in six equal monthly instalments starting from 1.6.2007. Subsequent instalments shall be paid on the first of every succeeding month. If the petitioner does not comply with the above direction including filing of application for one time settlement, it would be open to the first respondent to continue recovery proceedings now initiated without having to issue any notice or proceedings in that regard.

S. SIRI JAGAN,
Judge

Mbs/

K.THANKAPPAN, J

Crl.Appeal NO. OF 2001

J U D G M E N T

DATED:13-02-2007